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2 A Limited Liability Partnership
3 Including Professional Corporations
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9 Attorneys for Defendants LONGS DRUG
10 STORES CALIFORNIA, INC.; LONGS
11 DRUG STORES CORPORATION; LONGS
12 DRUG STORES CALIFORNIA, L.L.C.,
LONGS DRUG STORES, L.L.C., CVS
CAREMARK CORPORATION

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 CHARLES JONES, individually, and
16 on behalf of other members of the
general public similarly situated,

17 Plaintiff,

18 v.

19 LONGS DRUG STORES
20 CALIFORNIA, INC., a California
21 corporation; LONGS DRUG STORES
22 CORPORATION, a Maryland
23 corporation; LONGS DRUG STORES
24 CALIFORNIA, L.L.C., a California
limited liability corporation; LONGS
DRUG STORES, L.L.C., a Maryland
limited liability corporation; CVS
CAREMARK CORPORATION, a
Delaware corporation;

25 Defendants.
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Case No.: 08-cv-2156 W NLS

**DECLARATION OF DANIEL J.
McQUEEN IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

Hearing Date: November 16, 2009
Time: 10:30 a.m.
Room: 7

**NO ORAL ARGUMENT PURSUANT
TO LOCAL RULE**

[Filed concurrently with Notice of
Motion and Motion, Memorandum of
Points and Authorities, Separate
Statement of Undisputed Material Facts,
Request for Judicial Notice, Declaration
of Sandy Reynoso, and [Proposed]
Order]

[Complaint Filed: November 21, 2008]
Trial Date: None Set

DECLARATION OF DANIEL J. McQUEEN

I, Daniel J. McQueen, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of California and the United States District Court for the Southern District of California. I am an associate with the law firm of Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for Defendants LONGS DRUG STORES CALIFORNIA, INC.; LONGS DRUG STORES CORPORATION; LONGS DRUG STORES CALIFORNIA, L.L.C., LONGS DRUG STORES, L.L.C., CVS CAREMARK CORPORATION (collectively, "Defendants"). I have personal knowledge of the facts contained in this declaration and, if called as a witness, could and would testify competently thereto.

2. I am in possession of a certified copy of Plaintiff Charles Jones' deposition in this matter, including all exhibits thereto. True and correct copies of relevant pages from this deposition transcript are attached to this declaration as Exhibit A.

3. Plaintiff authenticated a copy of his offer of employment letter, dated November 2, 2006, at his deposition. This letter was attached as an exhibit to his deposition transcript. A true and correct copy of this letter is attached to this declaration as Exhibit B.

4. Plaintiff produced copies of his paystubs at his deposition, which were attached to his deposition transcript as an exhibit. True and correct copies of certain of these paystubs are attached to this declaration as Exhibit C.

1 I declare under penalty of perjury under the laws of the State of
2 California that the foregoing is true and correct.

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4 Executed October 15, 2009, at Los Angeles, California.

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DANIEL J. McQUEEN

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHARLES JONES, individually, and)
on behalf of other members of the)
general public similarly situated,)

Plaintiff,)

vs.)

Case No.:
08-CV-2156 W NLS

LONGS DRUG STORES CALIFORNIA, INC.,)
a California corporation; LONGS)
DRUG STORES CORPORATION, a Maryland)
corporation; LONGS DRUG STORES)
CALIFORNIA, L.L.C., a California)
limited liability corporation;)
et al.,)

Defendants.)

DEPOSITION OF CHARLES HAROLD JONES

AUGUST 25, 2009



Reported By: Erika Kotteakos
CSR No. 9698

File No.: 27952

4101 Birch Street • Suite 130
Newport Beach • California 92660
949-261-8686 • 800-622-0226

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3

4 CHARLES JONES, individually, and)
5 on behalf of other members of the)
6 general public similarly situated,)

7 Plaintiff,)

8 vs.)

Case No.:
08-CV-2156 W NLS

9 LONGS DRUG STORES CALIFORNIA, INC.,)
10 a California corporation; LONGS)
11 DRUG STORES CORPORATION, a Maryland)
12 corporation; LONGS DRUG STORES)
13 CALIFORNIA, L.L.C., a California)
14 limited liability corporation;)
15 et al.,)

16 Defendants.)
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Deposition of CHARLES HAROLD JONES, taken on
behalf of the Defendants, at 501 West Broadway,
Suite 1900, San Diego, California, commencing
at 10:23 a.m., on Tuesday, August 25, 2009,
reported by Erika Kotteakos, CSR No. 9698, RPR.

1 Take however much time you need before
2 answering my question -- oh, I will let you know, too,
3 that in the space to the upper right-hand corner, it
4 says, "Social Security Number," and you'll see that is
5 blank.

6 And we forgot to stamp the word "Redacted,"
7 but just so you know, any documents that had your social
8 security number on it, we've whited it out, just so
9 it's -- there's no issue with it getting in the wrong
10 hands and being publicly available. So that has been
11 whited out; otherwise, it's unchanged.

12 So my question is, do you recognize this as
13 being the employment application you filled out in
14 relation to your employment application at Longs?

15 A Yes, must be.

16 Q And is that your handwriting on that first
17 page?

18 A Yes.

19 (Deposition Exhibit 2 was marked for
20 identification and is attached hereto.)

21 BY MS. ZARGAROF:

22 Q So the court reporter has handed you a
23 document we've marked as Exhibit 2. It's a two-page
24 document, and the first one, it says, "Longs Drugs" in
25 the upper left-hand corner, and there's some handwriting

1 on the first page.

2 And if you could switch to the second page,
3 you'll see the signature line of the letter, and then
4 also another signature line.

5 Is that your signature there on page 2?

6 A Yeah.

7 Q And that's the date that you filled in over
8 there to the right of the signature?

9 A Yep.

10 Q And do you recognize this as the offer letter
11 you received --

12 A Yes.

13 Q -- in connection --

14 You've got to let me finish. It's hard. I
15 know you know where I'm going, it's just harder for the
16 court reporter. I don't mind, but it makes it hard for
17 her to get everything down.

18 So this is the offer letter that you received
19 in connection with your employment at Longs?

20 A Yes.

21 Q And drawing your attention down to Number 1
22 there, it indicates that the wage is \$53 per hour.

23 Is that consistent with what you recall your
24 starting wage to be at Longs?

25 A Yes.

1 Q Did your wage ever go up at any point while
2 you were at Longs?

3 A Yes.

4 Q What did it go up to?

5 A Honestly, I can't recall, but it did go up.

6 Q Do you recall what your final wage was at
7 Longs?

8 A No, I can't.

9 Q And a little further up the page, in the first
10 paragraph, it indicates that you're being offered the
11 position of pharmacy manager in District 808, and
12 Store 310, La Jolla.

13 Is that all consistent with your recollection
14 of where you started?

15 A Yes.

16 Q And did you ever change out of the pharmacy
17 manager position while at Longs?

18 A Yes.

19 Q What did you change to?

20 A I'm not sure what the term is, but sort of
21 the -- I'd say the float pharmacist, covering shifts.

22 Q Did you ever hear it referred to as the relief
23 pharmacist?

24 A Yes.

25 Q That was the term?

1 A Yes, I did.

2 Q What degree did you receive?

3 A Bachelor's in pharmacy, BPharm.

4 Q And have you attended any colleges or
5 universities in the U.S.?

6 A Have not.

7 Q And are you a certified pharmacist in the
8 U.S.?

9 A Yes.

10 Q When did you receive your certification? When
11 did you first receive it?

12 A That's going to be a tough question. '92.

13 Q And has your certification remained current
14 since then?

15 A Yes.

16 Q And in order to get your pharmacy
17 certification here in the U.S., did you have to take any
18 examinations?

19 A Yes.

20 Q What type of exam did you take?

21 A It was a California board exam.

22 Q And is that just one time that you had to take
23 it?

24 A No, I had to take it twice, because it was --
25 in my -- in '92, in that period, it was split into two

1 minute?

2 MS. ZARGAROF: Sure.

3 (Brief recess was taken.)

4 MR. ARELLANO: Okay. Back on.

5 THE WITNESS: Oh, well, can I add something?

6 MR. ARELLANO: Of course.

7 THE WITNESS: When you asked me about a bonus for
8 relief pharmacists, well, not that I'm aware. I was
9 never aware there was a bonus. I mean, there could have
10 been. I don't know. I just assumed there was nothing,
11 but --

12 BY MS. ZARGAROF:

13 Q Do you recall receiving one as a relief
14 pharmacist?

15 A It's been too many years. I mean, I don't
16 know. I just don't know that.

17 Q And what is your understanding of what claim
18 or claims you are alleging against Longs in your
19 lawsuit?

20 A The claims are --

21 MR. ARELLANO: Let me get in an objection. Calls
22 for a legal conclusion.

23 You can go ahead.

24 THE WITNESS: Do you want to --

25 MR. ARELLANO: No, it's fine. I just made my

1 objection. They will be really short objections.

2 THE WITNESS: Okay. The first one is the -- the
3 name, the name is not clear, the entity of the company.
4 The second is the total number of hours paid not being
5 totaled. And the third one is the social -- at the
6 time, the social security number was not on the pay
7 stub.

8 BY MS. ZARGAROF:

9 Q Any other claims you understand that you're
10 bringing against the defendants in this case?

11 A Not at this time.

12 Q The first thing you mentioned, something about
13 the name not being clear, what did you mean by that?

14 A Well, as far as I understand, the -- the name
15 is not defined properly. It could be LLC, Inc., and it
16 had a couple -- if anybody wanted to take legal action
17 against this company, it could be a problem, just the
18 name not being distinct.

19 Q When did you first become aware that the name
20 was not defined properly? Well, let me back up a
21 second.

22 You're referring to your pay stub; is that
23 right?

24 A Yeah. The documents there. Yeah.

25 Q The documents you produced today the originals

1 of?

2 A Yeah.

3 Q And when did you first learn or become aware
4 that the name was not defined properly on your pay stub?

5 A What year? '08, 2008.

6 Q So after your employment at Longs had ended?

7 A Yes.

8 Q And how did you become aware?

9 MR. ARELLANO: I'm going to again counsel, just
10 remember not to reveal any kind of communication between
11 you and anybody, including myself, at our law firm.

12 But you can answer.

13 THE WITNESS: After consulting with my lawyer.

14 BY MS. ZARGAROF:

15 Q And what is the name that is on your pay stubs
16 of your employer?

17 A I think it's -- I have a copy. I think it
18 says "Longs Drugs" on it. I don't --

19 Q Without referring to the pay stubs, do you
20 remember what employer name it says on there?

21 A It says "Longs," I think.

22 Q And what do you believe is the correct name
23 that should have been on your pay stubs?

24 A Whatever the company's registered as.

25 Q Registered with whom?

1 A With the state.

2 And also I guess it has -- this one, it says,
3 "Longs Drug Stores Corporation" (indicating). And I
4 guess they were "LLC." All kinds of different entities.

5 Q You're referring to Exhibit 8, which is in
6 front of you?

7 A Yeah, this, as an example. I guess sometimes
8 they weren't consistent in it.

9 Q And were you ever damaged or harmed in any
10 way, in your mind, by the fact that it said what you
11 believe -- or that you believe it said "Longs" on your
12 pay stubs?

13 MR. ARELLANO: Objection; calls for a legal
14 conclusion. And it's vague and ambiguous as to
15 "damaged."

16 You can answer, though, to the extent -- like
17 I said, don't guess. As long as you understand what she
18 means by "damaged." If you don't understand --

19 MS. ZARGAROF: Don't coach him on the record.
20 Let's not go there. You made your objection.

21 MR. ARELLANO: I'm just letting him know don't
22 speculate.

23 THE WITNESS: Damage is not receiving a proper wage
24 statement, and the fact that the company is not
25 complying with labor code, totaling the number of hours.

1 BY MS. ZARGAROF:

2 Q Any other ways in which you believe that
3 you've been damaged or harmed by your pay stub saying
4 "Longs"?

5 MR. ARELLANO: Same objection.

6 THE WITNESS: Well, I'm representing a class of
7 people, so there could be other damages to be
8 discovered.

9 BY MS. ZARGAROF:

10 Q Any that you're aware of as you sit here now?

11 A Apart from those, no.

12 Q And I believe the second thing that you
13 mentioned was the total hours not being totaled.

14 Do I have that right?

15 A Yes.

16 Q And what do you mean by that?

17 A Not adding them up and putting in one total,
18 one number.

19 Q And when did you first notice that the hours
20 on your pay stub were not totaled up in one number?

21 A In 2008.

22 Q Same time as when you noticed the company name
23 issue?

24 A Yes.

25 Q So when advised by your lawyer; is that right?

1 Q Do you recall the name of any of the women who
2 worked in the office?

3 A No, I don't.

4 Q And what exactly did you say to this
5 bookkeeper to whom you spoke about the total hours
6 issue."

7 A I just mentioned the fact. I really didn't
8 have much of a discussion. It was more just
9 observation. I said, "The hours aren't totaled. I see
10 the hours, the breakdown, but no total."

11 She said, "Oh." She looked at it, and she
12 didn't really give me an answer. But it was very
13 fleeting. It wasn't a legal discussion or anything. It
14 was...

15 Q So in response to your statement that the
16 hours were totaled, what did she say?

17 A She said, "Well, it looks like it," and that
18 was the end of the conversation. But the hours were
19 there.

20 Q What do you mean "the hours were there"?
21 The hours that you worked were on there, they
22 just weren't totaled; is that what you mean?

23 A Um, yes, the different sets of hours. For
24 instance, you could get paid, if you look at the stub,
25 overtime, if there's a lunch penalty, vacation, but the

1 hours weren't totaled, as my other jobs, I did notice.

2 But she said, "Well" -- I guess she had never
3 seen it, if I had to guess.

4 Q I'm sorry?

5 A She never realized that -- nobody's brought it
6 to her attention, but...

7 Q Did she say anything else about it at all?

8 A No.

9 Q And other than that one conversation that
10 you've described, is there -- did you have any other
11 conversations --

12 A No.

13 Q -- with -- let me finish my question.

14 Other than the conversation that you
15 described, did you have conversations with anyone else
16 at Longs about the fact that the hours weren't totaled
17 into one number on your pay stub?

18 A No.

19 Q Any reason why you didn't bring it up with
20 anyone else?

21 A No reason, at the time.

22 Q You ended your sentence with "at the time."

23 What do you mean by that? Did there become a
24 reason at some point that you didn't bring it up with
25 anyone else?

1 A In '07, I didn't -- I just left it at that.

2 Q And up until today, other than the fact that
3 you filed a lawsuit, you haven't raised or discussed the
4 issue with anyone else at Longs; is that right?

5 A I have not.

6 Q And where else had you worked previously where
7 the total hours were listed as one number?

8 A American Drug Stores, Sav-on.

9 Q And do you feel that you were harmed or
10 damaged in any way by the fact that there wasn't a
11 single total of the hours you worked on your pay stub at
12 Longs?

13 MR. ARELLANO: Objection; calls for a legal
14 conclusion.

15 You can answer.

16 THE WITNESS: Yes, I believe so. I was harmed.

17 BY MS. ZARGAROF:

18 Q In what way were you harmed by that?

19 MR. ARELLANO: Same objection.

20 THE WITNESS: Well, I just -- I think I've answered
21 this question, but I'll just recap. Not receiving a
22 proper wage statement.

23 And the second point is not -- not receiving a
24 number of hours is -- is not in compliance with labor
25 code, and that can lead to not being compensated in

1 accordance to law.

2 And, again, being a member -- sort of the
3 leader of this member -- this class of members, I mean,
4 other damages can be proven later.

5 BY MS. ZARGAROF:

6 Q But you don't know any others as you sit here
7 now; is that right?

8 A Not right now at this moment.

9 Q Do you believe that you weren't compensated
10 correctly while you were at Longs?

11 A Compensation was -- as far as my knowledge,
12 it's -- as far as my knowledge, it's correctly
13 compensated, yeah.

14 Q And I believe the third thing you mentioned as
15 the basis of your lawsuit was the fact that your social
16 security number was not on your pay stub.

17 Do I have that right?

18 A Not the full one, no.

19 Q So it was just the last four digits; is that
20 right?

21 A Yeah.

22 Q And when did you first notice that your full
23 social security was not on your pay stub?

24 A Sometime in '07.

25 Q Do you recall when in '07?

1 A I don't.

2 Q Did you talk to anyone at Longs about the fact
3 that your full social security number was not on your
4 pay stub?

5 A No, I did not.

6 Q Any reason why not?

7 A At the time, I -- I just noticed it, and
8 didn't pay further attention.

9 Q And do you believe that you have been harmed
10 or damaged in any way by the fact that your full social
11 security number is not -- or was not on your pay stubs?

12 A I believe that, yes, because, again, the wage
13 stub wasn't in compliance with the labor law.

14 Q Any other damage or harm that you believe
15 you've suffered by the fact that your full social
16 security number was not on your pay stubs?

17 A Not at the time -- not at this time.

18 Q Have you discussed your lawsuit with any other
19 current or former Longs employees?

20 A No, I have not.

21 Q And I think you mentioned that you were
22 intending to bring this case as a class action.

23 Is that right?

24 A Correct.

25 Q And you're seeking to be the representative

1 A No.

2 Q Do you know if your counsel has made any
3 efforts to amend the complaint?

4 A I'm not aware of that.

5 Q And I think we established earlier that your
6 employment with Longs ended about December 7th of 2007.

7 Is that right?

8 A Correct.

9 Q And why did your employment at Longs end?

10 A I was actually -- actually in the process of
11 moving to another company, and I was being -- actually
12 signed all the documentation.

13 Q I'm sorry, I missed the last part. You were
14 what?

15 A I was actually being recruited by my old
16 company, Sav-on, and I had to work out a year. And it
17 was actually a year. Otherwise, I had to repay the
18 \$5,000 bonus, sign-on bonus.

19 Q You had to work a year at Longs?

20 A Yes.

21 Q And you started with Longs at about -- on
22 about November 30th of 2006?

23 A Yes.

24 Q And when did you agree to take the job with --
25 well, let me clarify. I'm going to say "Sav-on"

1 page [sic] 21.

2 Did you review those requests?

3 A At the time.

4 Q And did you -- did you do a search for
5 documents that were responsive to those requests?

6 A Yes.

7 Q And you've produced all of those documents
8 that you located that you believed were responsive?

9 A Yes.

10 Q And in connection with that search, you've
11 produced some pay stubs from your employment at Longs;
12 is that right?

13 A Yes.

14 MS. ZARGAROF: Please mark this next in line.

15 (Deposition Exhibit 13 was marked for
16 identification and is attached hereto.)

17 BY MS. ZARGAROF:

18 Q The court reporter has just handed you a stack
19 of documents we've marked as Exhibit 13. And just so we
20 know what we have here, I'll letter them, and I'll do it
21 on the copy for the transcript as well. I'll do that
22 with your counsel off the record.

23 But the first one I have, in the far
24 right-hand corner, has a check number 9073865.

25 Is that the first one you have, too?

1 MR. ARELLANO: She's talking about the check number
2 (indicating).

3 THE WITNESS: -65, yeah.

4 BY MS. ZARGAROF:

5 Q And then it goes all the way through to -- the
6 very last one has the check number, in the upper
7 right-hand corner, 46875162?

8 A Yes.

9 Q And are these the pay stubs that you've
10 produced in connection with your litigation?

11 A Yes.

12 Q And these are all the pay stubs from Longs
13 that you still have?

14 A Yes.

15 Q And before the break, we talked a little bit
16 about the California Labor Commission.

17 Do you remember that?

18 A Yes.

19 Q And are you aware of whether the California
20 Labor Commission has issued a sample pay stub?

21 MR. ARELLANO: Objection; calls for a legal
22 conclusion.

23 BY MS. ZARGAROF:

24 Q You can still answer.

25 A Has the California Labor Commission --

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ORANGE)

4 I, Erika Kotteakos, Certified Shorthand
5 Reporter, Certificate No. 9698, do hereby certify:

6 That the foregoing proceedings were taken
7 before me at the time and place therein set forth, at
8 which time the witness was put under oath by me;

9 That the testimony of the witness and all
10 objections made at the time of the examination were
11 recorded stenographically by me and were thereafter
12 transcribed;

13 That the foregoing is a true and correct
14 transcript of my shorthand notes so taken.

15 I further certify that I am neither counsel
16 for nor related to any party to said action.

17 Dated this 31 day of August, 2008.
18

19
20 Erika Kotteakos
21 Erika Kotteakos
22 Certified Shorthand Reporter No. 9698
23
24
25

1 STATE OF CALIFORNIA)
2 COUNTY OF ORANGE) ss.
3

4 I, Erika Kotteakos, Certified Shorthand
5 Reporter, Certificate No. 9698, do hereby certify:

6 The foregoing deposition is a true and correct
7 copy of the original transcript of the proceeding taken
8 by me as thereon stated.
9

10 Dated August 31, 2009
11

12
13 Erika Kotteakos
14 Erika Kotteakos
15 Certified Shorthand Reporter No. 9698
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EXHIBIT B

Longs Drugs

RECEIVED

DEC 05 2006

General Offices: 141 North Civic Drive, P.O. Box 5222, Walnut Creek, California 94596, (925) 937-1170

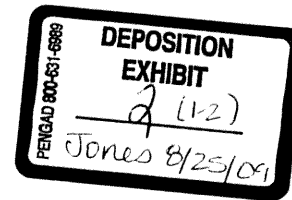
PAYROLL

November 2, 2006

137513 DOH 11/30/06

Charles Jones
8117 Camino Del Sol
La Jolla, CA 92037

VAC-PHARM3



Dear Charles,

Thank you for your interest in joining Longs Drug Stores California, Inc. (the "Company"). We are pleased to offer you a position as a Pharmacy Manager in district #808 – San Diego. You will be placed in store #310 – La Jolla.

This letter will confirm the specifics of our offer of employment to you:

1. The position of Pharmacy Manager in district #808 as a full-time, 40 hours per week position. The wage for Pharmacy Manager is \$53.00 per hour.
2. You will receive a sign on bonus in the amount of \$5,000, less applicable payroll taxes, within the first thirty days of employment. Should you resign from the company within 1 year of your hire date, you will be required to repay the entire incentive amount.
3. You will be eligible for health benefits, long-term disability insurance and supplemental life insurance on the first day of the month following twelve weeks of employment (assuming a minimum of 30 hours per week). During the waiting period, with appropriate documentation, the Company will reimburse you for the cost of your COBRA payment(s). You will receive more information regarding the Company's benefits on your first day. In addition, you will be eligible to participate in the Company's Employee Savings and profit sharing plan immediately. The Company begins to match your contributions, per the provisions of the plan, after 90 days of continuous employment.
4. You will be eligible for, but not limited to, Longs Employee Purchase Program, Paid Holidays (after 30 days), and Paid Sick Leave (after 1 year).
5. Once you have been employed by the Company for 90 days, you will accrue vacation at the rate of 3 weeks per year.

WAS VAC-PHARM2.

Please note that this offer and your acceptance are contingent upon completion of an employment application, proof of pharmacist license, and passing the pre employment drug and background screen, which must be completed within 24 hours of receipt of our signed offer letter. Please contact me at your earliest convenience to arrange your tests.

In addition, your employment is subject to all Company policies and practices regardless of reference herein. Unless expressly state, all employment at Longs is at will.

Charles, we look forward to you joining Longs Drugs. We are very proud of our professional pharmacies, our commitment to patient care, and our opportunities for advancement. Please

1-12-01
CO

contact me at 925-260-3322 with any questions you have regarding this offer. On behalf of Longs Drug Stores California, Inc., we look forward to working with you.

Sincerely,

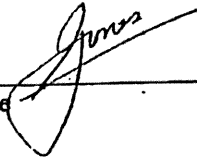
LONGS DRUG STORES CALIFORNIA, INC.

Rita Gupta

Rita Gupta, Pharm.D.
Director, Pharmacy Recruiting

I accept your offer of employment as stated in this letter.

Signature



11-25-06
Date

EXHIBIT C

Longs Drug Stores

P.O. BOX 5222 • WALNUT CREEK, CA 94596

Pay Period Begin 11/16/07

Period End Date 11/22/07

Check Number

46886218

JONES, CHARLES H.

Employee SSN

***-**-8644

Employee Number

137513

WAGES	HOURS	RATE	AMOUNT	YTD AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT
REGULAR	24.00	54.500	1,308.00	89,072.09	FED WH	383.43	19,030.11			
VAC	8.00	54.500	436.00	5,581.46	MEDICR	32.00	1,651.90			
HOLIDAY	8.00	54.500	436.00	2,228.26	CA W/H	138.75	6,747.34			
OVERTIM	0.62	81.758	50.69	7,662.70	VIP	133.84	11,713.11			
GRP LIF			1.73	56.60	FSA	25.65	872.10			
SIGN BO				5,000.00	CASDI		500.33			
BONUS				3,859.00	SOC SE		6,045.00			
SCRIPT				1,777.00	HEALTH		2,952.00			
HOL WRK				1,296.00						
LUN PEN				648.50						
Other				566.81						
TOTALS			2,232.42	117,748.42				DEDUCTIONS TOTALS	713.67	49,511.89
TAXABLE GROSS			2,072.93	102,211.21				NET PAY	1,517.02	68,179.93

ACHNET

Acct 94503

1,517.02

Hours Type	Balance
SCK-ELIG	-8.00
VAC-ELIG	15.51

✓

B2020

Longs Drug StoresP.O. BOX 5222 • WALNUT CREEK, CA 94596
JONES, CHARLES H.

Pay Period Begin 11/23/07

Period End Date 11/29/07

Check Number

46896954

Employee SSN

***-**-8644

Employee Number

137513

WAGES	HOURS	RATE	AMOUNT	YTD AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT
REGULAR	31.90	54.500	1,738.55	90,810.64	FED WH	352.94	19,383.05			
VAC	8.00	54.500	436.00	6,017.46	MEDICR	30.41	1,682.31			
OVERTIM	0.47	81.766	38.43	7,701.13	CA W/H	128.62	6,875.96			
GRP LIF			1.73	58.33	VIP	132.78	11,845.89			
BENEFIT	1.00				HEALTH	92.25	3,044.25			
SIGN BO				5,000.00	FSA	25.65	897.75			
BONUS				3,859.00	CASDI		500.33			
HOLIDAY				2,228.26	SOC SE		6,045.00			
SCRIPT				1,777.00						
HOL WRK				1,296.00						
Other				1,215.31						
TOTALS			2,214.71	119,963.13				DEDUCTIONS TOTALS	762.65	50,274.54
TAXABLE GROSS			1,964.03	104,175.24					1,450.33	69,630.26
NET PAY										
ACH NET				Acct 94503		1,450.33				
								Hours Type		Balance
								SCK-ELIG		-8.00
								VAC-ELIG		10.62

B

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

On **October 19, 2009**, I served the following document(s) described below as:

**DECLARATION OF DANIEL J. McQUEEN IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

on the interested parties as follows:

Marc Primo
Matthew T. Theriault
Dina Livhits
Initiative Legal Group LLP
1800 Century Park East, 2nd Floor
Los Angeles, CA 90067
telephone: 310-556-5637
facsimile: 310-861-9051

- ☒ **BY CM/ECF SYSTEM:** I caused the above-referenced document(s) to be sent by electronic transmission to the Clerk's Office using the CM/ECF System for filing which generated a Notice of Electronic Filing to the CM/ECF registrants in this case.
- ☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **October 19, 2009**, at Los Angeles, California.

/s/ Lynda G. Johnson
Lynda G. Johnson